

AMENDED IN ASSEMBLY APRIL 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1547

**Introduced by Committee on Consumer Protection,
Governmental Efficiency and Economic Development
(Davis (Chair), Campbell (Vice Chair), Alquist, Figueroa,
Firestone, Machado, Morrissey, Napolitano, Ortiz, and
Strom-Martin)**

March 5, 1997

An act to ~~amend Section 7100 of the Health and Safety Code, relating to dead bodies; repeal Section 1326 of the Code of Civil Procedure, and to amend Sections 6254, 14669, 14670, and 16302.1 of, to add Section 1154 to, and to repeal Sections 13940, 13941, 13942, 13943, 13943.1, and 13943.2 of, the Government Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1547, as amended, Committee on Consumer Protection. ~~Dead bodies: control of disposition—State government.~~

(1) Under existing law, specified expenditures made by the Controller from the Unclaimed Property Fund that exceed \$200 are subject to approval by the State Board of Control.

This bill would repeal this provision.

(2) Existing law authorizes withholding, garnishment, levy, or assignment of a person's wages for certain purposes.

This bill would authorize the Controller to deduct from the earnings of any state employee or state officer the actual cost

to the Controller of processing a withholding, garnishment, levy, or assignment pursuant to specified provisions.

(3) Under the California Public Records Act, public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, except as specified. Under the act, various records are exempted from this requirement.

This bill would add records maintained by the Controller with respect to unpaid or canceled warrants to the records not required to be disclosed under the act. The bill would also make technical nonsubstantive changes to the existing act.

(4) Existing law authorizes the State Board of Control to discharge from accountability any state agency or employee that is required to collect any state taxes, licenses, fees, or money owed to the state for any reason that is due and payable if the moneys are uncollectible or the amount does not justify the cost of collection.

This bill would delete this authority and related provisions.

(5) Existing law authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, but prohibits the director from entering into a lease-purchase agreement, or a lease with an option to purchase with an initial option purchase price over \$2,000,000, either of which involves office space, unless specifically authorized by the Legislature. Existing law requires the director to solicit written bids for any lease-purchase or lease with an option to purchase that involves office space, except for a renewal of an existing lease to include an option to purchase, in a newspaper of general circulation in the county in which the project is located.

This bill would delete the requirement that the director receive specific legislative authorization to enter into a lease with an option to purchase that involves office space with an initial option purchase price over \$2,000,000. This bill would delete the requirement that the director solicit written bids in a newspaper of general circulation for any lease with option to purchase that involves office space.

This bill would require the director to provide a report listing all leases entered into in the prior calendar year with

an option to purchase with another public or private entity that involves office space to the Legislature, as specified.

(6) Existing law authorizes the Department of General Services, with the consent of the state agency concerned, to let for a period not to exceed 5 years, any real or personal property that belongs to the state, the letting of which is not prohibited by law, if the director deems the letting to be in the best interest of the state.

This bill would authorize the director, with the consent of the state agency concerned that is obtained prior to any action being taken by the department to effectuate a lease, to let any real or personal property belonging to the state without limitation as to the duration of the lease. This bill would require the director to submit any lease of state property for a term longer than 5 years, along with a report that demonstrates the necessity and potential benefits to the state of the lease, for a 30-day review by the Joint Legislative Budget Committee.

(7) This bill would also authorize the Controller rather than the State Board of Control to adopt rules and regulations to permit state agencies to retain overpayments made to those agencies where a demand for refund is not made within 6 months after the refund becomes due.

~~Existing law establishes an order of priority regarding the right to control the disposition of, and liability for the costs of interment of, the remains of a deceased person, including, but not limited to, the surviving spouse, or the surviving child or children.~~

~~This bill would modify this priority as regards children of the decedent, to apply only to adult children, would make related conforming changes, and would make other changes of a technical, nonsubstantive nature.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 7100 of the Health and Safety~~
- 2 *SECTION 1. Section 1326 of the Code of Civil*
- 3 *Procedure is repealed.*

~~1326. Any obligation incurred or expenditure made by the Controller pursuant to subdivisions (b) to (e), inclusive, of Section 1325, which is in excess of two hundred dollars (\$200), shall be subject to the approval of the State Board of Control prior to incurring such obligation.~~

SEC. 2. Section 1154 is added to the Government Code, to read:

1154. Notwithstanding any other law to the contrary, the Controller may deduct from the earnings of any state employee or state officer the actual cost to the Controller of processing a withholding, garnishment, levy, or assignment pursuant to any of the following provisions:

(a) Section 706.030, 706.072, 706.074, or 706.125 of the Code of Civil Procedure.

(b) Section 5235 of the Family Code.

(c) Section 926.8 of the Government Code.

(d) Section 300 of the Labor Code.

(e) Subdivision (e) of Section 3088 of the Probate Code.

(f) Section 10878 or Section 19271 of the Revenue and Taxation Code.

(g) Section 1755 of the Unemployment Insurance Code.

SEC. 3. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an

1 insurance carrier against which a claim has been or might
2 be made, and any person suffering bodily injury or
3 property damage or loss, as the result of the incident
4 caused by arson, burglary, fire, explosion, larceny,
5 robbery, carjacking, vandalism, vehicle theft, or a crime
6 as defined by subdivision (c) of Section 13960, unless the
7 disclosure would endanger the safety of a witness or other
8 person involved in the investigation, or unless disclosure
9 would endanger the successful completion of the
10 investigation or a related investigation. However,
11 nothing in this division shall require the disclosure of that
12 portion of those investigative files that reflect the analysis
13 or conclusions of the investigating officer.

14 Other provisions of this subdivision notwithstanding,
15 state and local law enforcement agencies shall make
16 public the following information, except to the extent
17 that disclosure of a particular item of information would
18 endanger the safety of a person involved in an
19 investigation or would endanger the successful
20 completion of the investigation or a related investigation:

21 (1) The full name and occupation of every individual
22 arrested by the agency, the individual's physical
23 description including date of birth, color of eyes and hair,
24 sex, height and weight, the time and date of arrest, the
25 time and date of booking, the location of the arrest, the
26 factual circumstances surrounding the arrest, the amount
27 of bail set, the time and manner of release or the location
28 where the individual is currently being held, and all
29 charges the individual is being held upon, including any
30 outstanding warrants from other jurisdictions and parole
31 or probation holds.

32 (2) Subject to the restrictions imposed by Section 841.5
33 of the Penal Code, the time, substance, and location of all
34 complaints or requests for assistance received by the
35 agency and the time and nature of the response thereto,
36 including, to the extent the information regarding crimes
37 alleged or committed or any other incident investigated
38 is recorded, the time, date, and location of occurrence,
39 the time and date of the report, the name and age of the
40 victim, the factual circumstances surrounding the crime

1 or incident, and a general description of any injuries,
2 property, or weapons involved. The name of a victim of
3 any crime defined by Section 220, 261, 262, 264, 264.1,
4 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or
5 646.9 of the Penal Code may be withheld at the victim's
6 request, or at the request of the victim's parent or
7 guardian if the victim is a minor. When a person is the
8 victim of more than one crime, information disclosing
9 that the person is a victim of a crime defined by Section
10 220, 261, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289,
11 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be
12 deleted at the request of the victim, or the victim's parent
13 or guardian if the victim is a minor, in making the report
14 of the crime, or of any crime or incident accompanying
15 the crime, available to the public in compliance with the
16 requirements of this paragraph.

17 (3) Subject to the restrictions of Section 841.5 of the
18 Penal Code and this subdivision, the current address of
19 every individual arrested by the agency and the current
20 address of the victim of a crime, where the requester
21 declares under penalty of perjury that the request is
22 made for a scholarly, journalistic, political, or
23 governmental purpose, or that the request is made for
24 investigation purposes by a licensed private investigator
25 as described in Chapter 11.3 (commencing with Section
26 7512) of Division 3 of the Business and Professions Code,
27 except that the address of the victim of any crime defined
28 by Section 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286,
29 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal
30 Code shall remain confidential. Address information
31 obtained pursuant to this paragraph shall not be used
32 directly or indirectly to sell a product or service to any
33 individual or group of individuals, and the requester shall
34 execute a declaration to that effect under penalty of
35 perjury.

36 (g) Test questions, scoring keys, and other
37 examination data used to administer a licensing
38 examination, examination for employment, or academic
39 examination, except as provided for in Chapter 3

1 (commencing with Section 99150) of Part 65 of the
2 Education Code.

3 (h) The contents of real estate appraisals or
4 engineering or feasibility estimates and evaluations made
5 for or by the state or local agency relative to the
6 acquisition of property, or to prospective public supply
7 and construction contracts, until all of the property has
8 been acquired or all of the contract agreement obtained.
9 However, the law of eminent domain shall not be affected
10 by this provision.

11 (i) Information required from any taxpayer in
12 connection with the collection of local taxes that is
13 received in confidence and the disclosure of the
14 information to other persons would result in unfair
15 competitive disadvantage to the person supplying the
16 information.

17 (j) Library circulation records kept for the purpose of
18 identifying the borrower of items available in libraries,
19 and library and museum materials made or acquired and
20 presented solely for reference or exhibition purposes.
21 The exemption in this subdivision shall not apply to
22 records of fines imposed on the borrowers.

23 (k) Records the disclosure of which is exempted or
24 prohibited pursuant to federal or state law, including, but
25 not limited to, provisions of the Evidence Code relating
26 to privilege.

27 (l) Correspondence of and to the Governor or
28 employees of the Governor's office or in the custody of or
29 maintained by the Governor's legal affairs secretary,
30 provided that public records shall not be transferred to
31 the custody of the Governor's legal affairs secretary to
32 evade the disclosure provisions of this chapter.

33 (m) In the custody of or maintained by the Legislative
34 Counsel, except those records in the public data base
35 maintained by the Legislative Counsel that are described
36 in Section 10248.

37 (n) Statements of personal worth or personal financial
38 data required by a licensing agency and filed by an
39 applicant with the licensing agency to establish his or her

1 personal qualification for the license, certificate, or
2 permit applied for.

3 (o) Financial data contained in applications for
4 financing under Division 27 (commencing with Section
5 44500) of the Health and Safety Code, where an
6 authorized officer of the California Pollution Control
7 Financing Authority determines that disclosure of the
8 financial data would be competitively injurious to the
9 applicant and the data is required in order to obtain
10 guarantees from the United States Small Business
11 Administration. The California Pollution Control
12 Financing Authority shall adopt rules for review of
13 individual requests for confidentiality under this section
14 and for making available to the public those portions of
15 an application ~~which~~ *that* are subject to disclosure under
16 this chapter.

17 (p) Records of state agencies related to activities
18 governed by Chapter 10.3 (commencing with Section
19 3512), Chapter 10.5 (commencing with Section 3525),
20 and Chapter 12 (commencing with Section 3560) of
21 Division 4 of Title 1, that reveal a state agency's
22 deliberative processes, impressions, evaluations,
23 opinions, recommendations, meeting minutes, research,
24 work products, theories, or strategy, or that provide
25 instruction, advice, or training to employees who do not
26 have full collective bargaining and representation rights
27 under these chapters. Nothing in this subdivision shall be
28 construed to limit the disclosure duties of a state agency
29 with respect to any other records relating to the activities
30 governed by the employee relations acts referred to in
31 this subdivision.

32 (q) Records of state agencies related to activities
33 governed by Articles 2.6 (commencing with Section
34 14081), 2.8 (commencing with Section 14087.5), and 2.91
35 (commencing with Section 14089) of Chapter 7 of Part 3
36 of Division 9 of the Welfare and Institutions Code, that
37 reveal the special negotiator's deliberative processes,
38 discussions, communications, or any other portion of the
39 negotiations with providers of health care services,
40 impressions, opinions, recommendations, meeting

1 minutes, research, work product, theories, or strategy, or
2 that provide instruction, advice, or training to employees.

3 Except for the portion of a contract containing the rates
4 of payment, contracts for inpatient services entered into
5 pursuant to these articles, on or after April 1, 1984, shall
6 be open to inspection one year after they are fully
7 executed. In the event that a contract for inpatient
8 services that is entered into prior to April 1, 1984, is
9 amended on or after April 1, 1984, the amendment,
10 except for any portion containing the rates of payment,
11 shall be open to inspection one year after it is fully
12 executed. If the California Medical Assistance
13 Commission enters into contracts with health care
14 providers for other than inpatient hospital services, those
15 contracts shall be open to inspection one year after they
16 are fully executed.

17 Three years after a contract or amendment is open to
18 inspection under this subdivision, the portion of the
19 contract or amendment containing the rates of payment
20 shall be open to inspection.

21 Notwithstanding any other provision of law, the entire
22 contract or amendment shall be open to inspection by the
23 Joint Legislative Audit Committee. The Joint Legislative
24 Audit Committee shall maintain the confidentiality of the
25 contracts and amendments until the time a contract or
26 amendment is fully open to inspection by the public.

27 (r) Records of Native American graves, cemeteries,
28 and sacred places maintained by the Native American
29 Heritage Commission.

30 (s) A final accreditation report of the Joint
31 Commission on Accreditation of Hospitals that has been
32 transmitted to the State Department of Health Services
33 pursuant to subdivision (b) of Section 1282 of the Health
34 and Safety Code.

35 (t) Records of a local hospital district, formed pursuant
36 to Division 23 (commencing with Section 32000) of the
37 Health and Safety Code, or the records of a municipal
38 hospital, formed pursuant to Article 7 (commencing with
39 Section 37600) or Article 8 (commencing with Section
40 37650) of Chapter 5 of Division 3 of Title 4 of this code,



1 that relate to any contract with an insurer or nonprofit
2 hospital service plan for inpatient or outpatient services
3 for alternative rates pursuant to Section 10133 or 11512 of
4 the Insurance Code. However, the record shall be open
5 to inspection within one year after the contract is fully
6 executed.

7 (u) Information contained in applications for licenses
8 to carry firearms issued pursuant to Section 12050 of the
9 Penal Code by the sheriff of a county or the chief or other
10 head of a municipal police department that indicates
11 when or where the applicant is vulnerable to attack or
12 that concerns the applicant's medical or psychological
13 history or that of members of his or her family.

14 (v) (1) Records of the Major Risk Medical Insurance
15 Program related to activities governed by Part 6.3
16 (commencing with Section 12695), and Part 6.5
17 (commencing with Section 12700), of Division 2 of the
18 Insurance Code, and that reveal the deliberative
19 processes, discussions, communications, or any other
20 portion of the negotiations with health plans, or the
21 impressions, opinions, recommendations, meeting
22 minutes, research, work product, theories, or strategy of
23 the board or its staff, or records that provide instructions,
24 advice, or training to employees.

25 (2) (A) Except for the portion of a contract that
26 contains the rates of payment, contracts for health
27 coverage entered into pursuant to Part 6.3 (commencing
28 with Section 12695), or Part 6.5 (commencing with
29 Section 12700), of Division 2 of the Insurance Code, on or
30 after July 1, 1991, shall be open to inspection one year
31 after they have been fully executed.

32 (B) In the event that a contract for health coverage
33 that is entered into prior to July 1, 1991, is amended on or
34 after July 1, 1991, the amendment, except for any portion
35 containing the rates of payment shall be open to
36 inspection one year after the amendment has been fully
37 executed.

38 (3) Three years after a contract or amendment is open
39 to inspection pursuant to this subdivision, the portion of

1 the contract or amendment containing the rates of
2 payment shall be open to inspection.

3 (4) Notwithstanding any other provision of law, the
4 entire contract or amendments to a contract shall be open
5 to inspection by the Joint Legislative Audit Committee.
6 The Joint Legislative Audit Committee shall maintain the
7 confidentiality of the contracts and amendments thereto,
8 until the contract or amendments to a contract is open to
9 inspection pursuant to paragraph (3).

10 (w) (1) Records of the Major Risk Medical Insurance
11 Program related to activities governed by Chapter 14
12 (commencing with Section 10700) of Part 2 of Division 2
13 of the Insurance Code, and that reveal the deliberative
14 processes, discussions, communications, or any other
15 portion of the negotiations with health plans, or the
16 impressions, opinions, recommendations, meeting
17 minutes, research, work product, theories, or strategy of
18 the board or its staff, or records that provide instructions,
19 advice, or training to employees.

20 (2) Except for the portion of a contract that contains
21 the rates of payment, contracts for health coverage
22 entered into pursuant to Chapter 14 (commencing with
23 Section 10700) of Part 2 of Division 2 of the Insurance
24 Code, on or after January 1, 1993, shall be open to
25 inspection one year after they have been fully executed.

26 (3) Notwithstanding any other provision of law, the
27 entire contract or amendments to a contract shall be open
28 to inspection by the Joint Legislative Audit Committee.
29 The Joint Legislative Audit Committee shall maintain the
30 confidentiality of the contracts and amendments thereto,
31 until the contract or amendments to a contract is open to
32 inspection pursuant to paragraph (2).

33 (x) Financial data contained in applications for
34 registration, or registration renewal, as a service
35 contractor filed with the Director of the Department of
36 Consumer Affairs pursuant to Chapter 20 (commencing
37 with Section 9800) of Division 3 of the Business and
38 Professions Code, for the purpose of establishing the
39 service contractor's net worth, or, financial data

1 regarding the funded accounts held in escrow for service
2 contracts held in force in this state by a service contractor.

3 (y) *Records maintained by the Controller of unpaid or*
4 *canceled warrants.*

5 Nothing in this section prevents any agency from
6 opening its records concerning the administration of the
7 agency to public inspection, unless disclosure is otherwise
8 prohibited by law.

9 Nothing in this section prevents any health facility from
10 disclosing to a certified bargaining agent relevant
11 financing information pursuant to Section 8 of the
12 National Labor Relations Act.

13 *SEC. 4. Section 13940 of the Government Code is*
14 *repealed.*

15 ~~13940. Any state agency or employee charged by law~~
16 ~~with the collection of any state taxes, licenses, fees, or~~
17 ~~money owing to the state for any reason, which is due and~~
18 ~~payable, may be discharged by the board from~~
19 ~~accountability for the collection of the taxes, licenses,~~
20 ~~fees, or money if it is uncollectible or the amount does not~~
21 ~~justify the cost of collection.~~

22 *SEC. 5. Section 13941 of the Government Code is*
23 *repealed.*

24 ~~13941. The application for a discharge shall be filed~~
25 ~~with the State Controller and shall include:~~

26 ~~(a) A statement of the nature and amount of the tax,~~
27 ~~license, fee, or other money due.~~

28 ~~(b) The names of the persons liable.~~

29 ~~(c) The estimated cost of collection.~~

30 ~~(d) All other facts warranting the discharge, except~~
31 ~~where the Controller determines that the circumstances~~
32 ~~do not warrant the furnishing of detailed information.~~

33 *SEC. 6. Section 13942 of the Government Code is*
34 *repealed.*

35 ~~13942. The Controller shall audit the applications and~~
36 ~~recommend to the board an order discharging the~~
37 ~~applicant from further accountability for collection, and~~
38 ~~authorizing the applicant to close its books on that item,~~
39 ~~if it determines:~~

~~(a) That the matters contained in the application are correct.~~

~~(b) That no credit exists against which the debt can be offset.~~

~~(c) That collection is improbable for any reason.~~

~~(d) That the cost of recovery does not justify the collection.~~

~~(e) For items which exceed the monetary jurisdiction of the small claims court, the Attorney General has advised in writing that collection is not justified by the cost or is improbable for any reason.~~

SEC. 7. Section 13943 of the Government Code is repealed.

~~13943. The board may delegate to the Controller, under such terms and conditions as are acceptable to the board, the authority to discharge from accountability a state agency, for accounts which do not exceed the amount specified in subdivision (e) of Section 13942 and thereby authorize the closing of the agency's books in regard to such item.~~

SEC. 8. Section 13943.1 of the Government Code is repealed.

~~13943.1. Such a discharge of a state agency or employee does not release any person from the payment of any tax, license, fee, or other money which is due and owing to the state.~~

SEC. 9. Section 13943.2 of the Government Code is repealed.

~~13943.2. A state agency may refrain from collecting taxes, licenses, fees, or money owed to the state where the amount to be collected is two hundred fifty dollars (\$250) or less and where the amount owed to the state is uncollectible or does not justify the cost of collection. This authority may be revoked by the board if the board finds that the agency abused its discretion to refrain from collecting taxes, licenses, fees, or money owed to the state. Nothing contained in this section shall be construed as releasing any person from the payment of any money due the state.~~

1 SEC. 10. Section 14669 of the Government Code is
2 amended to read:

3 14669. (a) ~~The~~ Except as otherwise specified in
4 subdivision (b), the director may hire, lease,
5 lease-purchase, or lease with the option to purchase any
6 real or personal property for the use of any state agency,
7 including the Department of General Services, if he or
8 she deems the hiring or leasing is in the best interests of
9 the state.

10 (b) The director shall not enter into a lease-purchase
11 agreement, ~~or a lease with an option to purchase with an~~
12 ~~initial option purchase price over two million dollars~~
13 ~~(\$2,000,000), either of which~~ that involves office space,
14 unless specifically authorized to do so by the Legislature.
15 ~~Except for a renewal of an existing lease to include an~~
16 ~~option to purchase, the~~ The director shall solicit written
17 bids for any lease-purchase ~~or lease with option to~~
18 ~~purchase which~~ that involves office space in a newspaper
19 of general circulation in the county in which the project
20 is located. All bids received shall be publicly opened and
21 the lease awarded to the lowest responsible bidder. If the
22 director deems the acceptance of the lowest responsible
23 bid is not in the best interest of the state, he or she may
24 reject all bids.

25 (c) ~~Beginning on December 15, 1993, and annually~~
26 ~~thereafter~~ By March 1 of each year, the director shall
27 provide a report listing all leases entered into in the prior
28 calendar year with an option to purchase with another
29 entity, public or private, that involve office space ~~which~~
30 ~~has an initial option price of two million dollars~~
31 ~~(\$2,000,000) or less.~~

32 The

33 Notwithstanding Section 7550.5, the report shall be
34 submitted to the Chairperson of the Joint Legislative
35 Budget Committee and the chairperson of the committee
36 of each house of the Legislature that considers
37 appropriations.

38 SEC. 11. Section 14670 of the Government Code is
39 amended to read:

1 14670. With the consent of the state agency
2 concerned, *which consent is obtained prior to any action*
3 *being taken by the department to effectuate a lease*, the
4 director may:

5 (a) ~~Let for a period of not to exceed five years~~, any real
6 or personal property ~~which~~ *that* belongs to the state, the
7 letting of which is not expressly prohibited by law, if he
8 *or she* deems ~~such~~ *the* letting is in the best interest of the
9 state. *Notwithstanding Section 7550.5, any lease of state*
10 *property for a term longer than five years shall be*
11 *submitted by the director, along with a report that*
12 *demonstrates the necessity and potential to the state of*
13 *such a lease, for a 30-day review by the Joint Legislative*
14 *Budget Committee.*

15 (b) Sublet any real or personal property leased by the
16 state, the subletting of which is not expressly prohibited
17 by law, if he *or she* deems ~~such~~ *the* subletting is in the best
18 interest of the state.

19 (c) Let for a period not to exceed five years, and at less
20 than fair market rental, any real property of the state to
21 any public agency for use as nonprofit, self-help
22 community vegetable gardens and related supporting
23 activities, provided:

24 (1) Parcels let for ~~such~~ *these* purposes shall not exceed
25 five acres.

26 (2) Two or more contiguous parcels shall not be let for
27 ~~such~~ *these* purposes.

28 (3) Parcels shall be let subject to applicable local
29 zoning ordinances.

30 The Legislature finds and declares that any leases let at
31 less than fair market rental pursuant to subdivision (c)
32 shall be of broad public benefit.

33 Any money received in connection with paragraph (a)
34 ~~of this section~~ shall be deposited in the General Fund for
35 appropriation as provided in Section 15863. Any
36 expenditures in connection with ~~such~~ *the* letting of
37 *property pursuant to subdivision (a)* may be allocated
38 from the appropriation pursuant to Section 15863.

39 All money received pursuant to paragraph (b) ~~of this~~
40 ~~section~~ shall be accounted for to the Controller at the

1 close of each month and on order of the Controller be
2 paid into the State Treasury and credited to the
3 appropriation from which the cost of the lease was paid.

4 *SEC. 12. Section 16302.1 of the Government Code is*
5 *amended to read:*

6 16302.1. Whenever any person pays to any state
7 agency pursuant to law an amount covering taxes,
8 penalties, interest, license or other fees, or any other
9 payment, and it is subsequently determined by the state
10 agency responsible for the collection thereof that ~~such~~
11 *this* amount includes an overpayment of ten dollars (\$10)
12 or less of the amount due the state pursuant to the
13 assessment, levy, or charge to which the payment is
14 applicable, the amount of ~~such the~~ overpayment may be
15 disposed of in either of the following ways:

16 (1) The state agency responsible for the collection to
17 which the overpayment relates may apply the amount of
18 ~~such the~~ overpayment as a payment by ~~such the~~ person
19 on any other taxes, penalties, interest, license or other
20 fees, or any other amount due the state from ~~such that~~
21 person; ~~provided, such if the~~ state agency is responsible
22 by law for the collection to which ~~such the~~ overpayment
23 is to be applied as a payment.

24 (2) Upon written request of the state agency
25 responsible for the collection to which the overpayment
26 relates, the amount of ~~such the~~ overpayment shall, on
27 order of the Controller, be deposited as revenue in the
28 fund in the State Treasury into which ~~such the~~ collection,
29 exclusive of overpayments, is required by law to be
30 deposited.

31 ~~The State Board of Control~~ *Controller* may adopt rules
32 and regulations to permit state agencies to retain ~~such~~
33 *these* overpayments where a demand for refund
34 permitted by law is not made within six months after the
35 refund becomes due; and ~~such the~~ retained
36 overpayments shall belong to the state.

37 Except as provided in the foregoing paragraph, ~~the~~
38 ~~provisions of~~ this section shall not affect the right of any
39 person making overpayment of any amount to the state
40 to make a claim for refund of ~~such the~~ overpayment, nor

1 the authority of any state agency or official to make
2 payment of any amount so claimed, if otherwise
3 authorized by law.

4 Code is amended to read:

5 7100. ~~(a) The right to control the disposition of the~~
6 ~~remains of a deceased person, including the location and~~
7 ~~conditions of interment, unless other directions have~~
8 ~~been given by the decedent, vests in, and the duty of~~
9 ~~interment and the liability for the reasonable cost of~~
10 ~~interment of the remains devolves upon the following in~~
11 ~~the order named:~~

12 (1) ~~The surviving spouse.~~

13 (2) ~~The surviving adult child or adult children of the~~
14 ~~decedent, provided that, in the absence of actual~~
15 ~~knowledge to the contrary, a funeral director or~~
16 ~~cemetery authority may rely on instruction given by an~~
17 ~~adult child or children who represent any of the~~
18 ~~following:~~

19 (A) ~~That he, or she, or they are the sole surviving adult~~
20 ~~child or children.~~

21 (B) ~~That they constitute a majority of the surviving~~
22 ~~adult children.~~

23 (C) ~~That he, she, or they have used reasonable efforts~~
24 ~~to notify all other surviving adult children of their~~
25 ~~instructions and are not aware of any opposition to those~~
26 ~~instructions on the part of one-half or more of all~~
27 ~~surviving adult children.~~

28 (3) ~~The surviving parent or parents of the decedent.~~

29 (4) ~~The adult person or persons respectively in the~~
30 ~~next degrees of kindred.~~

31 (5) ~~The public administrator when the deceased has~~
32 ~~sufficient assets.~~

33 (b) ~~For the purposes of this section, "adult" means a~~
34 ~~person who is 18 years of age or over.~~

35 (c) ~~A funeral director or cemetery authority shall have~~
36 ~~complete authority to control the disposition of the~~
37 ~~remains, and to proceed under this chapter to recover~~
38 ~~usual and customary charges for the disposition, when~~
39 ~~both of the following apply:~~

40 (1) ~~Either of the following applies:~~

1 ~~(A) The funeral director or cemetery authority has~~
2 ~~knowledge that none of the persons described in~~
3 ~~paragraphs (1) to (4) of subdivision (a) exists.~~

4 ~~(B) None of the persons described in paragraphs (1)~~
5 ~~to (4) of subdivision (a) can be found after reasonable~~
6 ~~inquiry, or contacted by reasonable means.~~

7 ~~(2) The public administrator fails to assume~~
8 ~~responsibility for disposition of the remains within seven~~
9 ~~days after having been given written notice of the facts.~~
10 ~~Written notice may be delivered by hand, U.S. mail,~~
11 ~~facsimile transmission, or telegraph.~~

12 ~~(d) The liability for the reasonable cost of final~~
13 ~~disposition devolves jointly and severally upon all kin of~~
14 ~~the decedent in the same degree of kindred and upon the~~
15 ~~estate of the decedent; provided, that should a person~~
16 ~~accept the gift of an entire body under subdivision (a) of~~
17 ~~Section 7155.5, that person, subject to the terms of the gift,~~
18 ~~shall be liable for the reasonable cost of final disposition~~
19 ~~of the decedent.~~

20 ~~(e) (1) A decedent, prior to his or her death, may~~
21 ~~direct the preparation for, type, or place of interment of~~
22 ~~his or her remains, either by oral or written instructions,~~
23 ~~but a written contract for funeral services may only be~~
24 ~~modified in writing. The person or persons otherwise~~
25 ~~entitled to control the disposition of the remains under~~
26 ~~the provisions of this section shall faithfully carry out the~~
27 ~~directions of the decedent subject only to the provisions~~
28 ~~of this chapter with respect to the duties of the coroner.~~

29 ~~(2) If the instructions are contained in a will, they shall~~
30 ~~be immediately carried out, regardless of the validity of~~
31 ~~the will in other respects or of the fact that the will may~~
32 ~~not be offered for or admitted to probate until a later~~
33 ~~date.~~

34 ~~(f) This section shall be administered and construed to~~
35 ~~the end that the expressed instructions of the decedent~~
36 ~~or the person entitled to control the disposition shall be~~
37 ~~faithfully and promptly performed.~~

38 ~~(g) A funeral director or cemetery authority shall not~~
39 ~~be liable to any person or persons for carrying out the~~

- 1 ~~instructions of the decedent or the person entitled to~~
- 2 ~~control the disposition.~~

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